

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

6 \* \* \*

7 ME2 PRODUCTIONS, INC.,

Case No. 2:147-CV-666 JCM (NJK)

8 Plaintiff(s),

ORDER

9 v.

10 GUADALUPE NOYOLA, et al.,

11 Defendant(s).  
12

13 Presently before the court is Magistrate Judge Koppe's report and recommendation  
14 following an order to show cause as to why the defendants should not be severed and all but the  
15 first-named defendant dismissed. (ECF No. 17). Plaintiff ME2 Productions, Inc., filed an  
16 objection. (ECF No. 20). Defendants have not filed a response, and the time to do so has since  
17 passed.

18 Also before the court is plaintiff's motion for entry of clerk's default. (ECF No. 36).

19 Also before the court is defendants Maria Gonzalez's and Ramon Hernandez's motion to  
20 dismiss and sever. (ECF No. 30).

21 The present case is one of many filed by plaintiff against numerous Doe defendants.  
22 Exhibit 1 to ME2's objection contains its memorandum and points of authority to support its  
23 objections to the instant report and recommendation. (ECF No. 20-1). The exhibit is a carbon  
24 copy of plaintiff's objections in the case of *ME2 Productions, Inc. v. Bayu*, case no. 2:17-cv-00724-  
25 JCM-NJK. The court issued an order in *Bayu* that adopted Magistrate Judge Koppe's report and  
26 recommendation in that case and severed all but the first-named defendant. For the same reasons,  
27 the court finds severance here is appropriate. The remaining first-named defendant who will not  
28 be dismissed is Guadalupe Noyola.

1 Plaintiff's motion for entry of clerk's default names defendant Guadalupe Noyola among  
2 other defendants. (ECF No. 36). With regard to the other defendants, who are dismissed from this  
3 action per this order, the motion for entry of clerk's default is denied in part as moot. With regard  
4 to defendant Noyola, the motion is granted.

5 Plaintiff filed the operative amended complaint in this action on June 9, 2017. (ECF No.  
6 16). Summons issued on July 3, 2017. (ECF No. 22). Defendant Guadalupe Noyola was served  
7 on July 18, 2017, and the summons returned executed on July 28, 2017. (ECF No. 28). Defendant  
8 Noyola's answer to the complaint was due by August 8, 2017.

9 August 8, 2017 came and passed and defendant Noyola failed to file an answer. To date,  
10 Noyola has still not answered the complaint or otherwise appeared in this action. Accordingly,  
11 pursuant to Federal Rule of Civil Procedure 55(a), the clerk will enter default against defendant  
12 Guadalupe Noyola.

13 Defendants Maria Gonzalez and Ramon Hernandez filed a motion to dismiss and sever,  
14 essentially asking this court to adopt the report and recommendation. (ECF No. 30). By adopting  
15 the report and recommendation and dismissing Gonzalez and Hernandez from this action, this  
16 order renders their motion moot.

17 Accordingly,

18 IT IS HEREBY ORDERED that Magistrate Judge Koppe's report and recommendation  
19 (ECF No. 17) be, and the same hereby is, ADOPTED in part and REJECTED in part, consistent  
20 with the foregoing.

21 IT IS FURTHER ORDERED that all defendants except for Guadalupe Noyola be, and the  
22 same hereby are, dismissed without prejudice.

23 IT IS FURTHER ORDERED that plaintiff's motion for entry of clerk's default (ECF No.  
24 36) be, and the same hereby is, GRANTED in part and DENIED in part as follows: the clerk will  
25 enter default against only defendant Guadalupe Noyola, but not any other defendant.


26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that defendants' motion to dismiss and sever (ECF No. 30)  
2 is DENIED as moot.

3 DATED November 17, 2017.

4   
5 \_\_\_\_\_  
6 UNITED STATES DISTRICT JUDGE  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28